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May 26, 2004

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The Honorable John D. Ashcroft
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Robert Mueller, III
Director
Federal Bureau of Investigations
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Mr. Attorney General Ashcroft and Mr. Director:

I write to express my concern over the Department's handling of material witness proceedings against Brandon Mayfield. In my view, Mayfield's two week detention on an inaccurate fingerprint identification is inexcusable, when the government had strong reason to believe that the identification could be faulty.

I am deeply disturbed by the long list of errors in this case that resulted in Mayfield's incarceration.

- The FBI asserted that the fingerprint found on a bag with explosive detonators near the Madrid bombing in March was 100% conclusively that of Mr. Mayfield.
- The FBI failed to investigate the accuracy of their fingerprint analysis after the Spanish authorities questioned the identification weeks before Mayfield's May 6th arrest.
- The FBI failed to examine the original fingerprint when they met with Spanish investigators in Madrid on April 21st.

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The Honorable Robert Mueller
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- The FBI failed, until May 21st, to compare the fingerprint to an Algerian national the Spanish investigators identified.
- The U.S. Attorney appears to have used flimsy evidence, such as Mr. Mayfield's law firm's advertisement in a Muslim phone directory, and a sighting of Mr. Mayfield driving to a local mosque, as evidence that he was a material witness to the Madrid bombings.

The errors of the FBI's identification of Mayfield are disturbing, not only because it resulted in denial of Mayfield's liberty, but also because "conclusive" evidence from the FBI Lab is used in courts around the country to arrest and convict people. To the extent that the error in Mayfield's case indicates lax analysis and flawed investigative procedures at the FBI, untold numbers of innocent people could be paying the price in our nation's jails. The use of profiling and flawed data analysis damage your credibility and make it that much more difficult to successfully prosecute the war against terror.

I would therefore like to receive a written report as soon as practical on how the FBI made such an incorrect identification of Brandon Mayfield, what it is doing to ensure that type of error does not happen in the future, and how it plans to verify other identifications that are or were used in other criminal cases. Please contact me through Perry Apelbaum or Ted Kalo at 226-6504, fax 225-4423, 2142 Rayburn House Office Building, Washington, D.C. 20515.

Sincerely,

A handwritten signature in black ink, reading "John Conyers, Jr." in a cursive style.

John Conyers, Jr.
Ranking Minority Member

cc: F. James Sensenbrenner, Jr.
Chairman, Committee on the Judiciary